

alleged offense was committed. It could not be proved that the defendant was freed from justice. This is a fatal objection to the prosecution, unless we find it was necessary for the value of law for the defendant to plead the benefit of the statute by special plea. After quoting legal authorities the judge said that he felt constrained, in the case, with the defendant's counsel, to grant the motion for judgment of acquittal for the defendant. Mr. Merrick asked that judgment be entered and the prisoner discharged. Mr. Merrick, in reply to the judge's question, said that the prisoner was discharged. Surratt, having been exonerated by his friends, retired. The District Attorney proposed, if necessary, to prepare a motion for indictment to be returned against the defendant. Judge Wylie said that the District Attorney could have Surratt rearrested on the charge. The Court had no judicial knowledge of Surratt's whereabouts. Judge Wylie said that he did not know if it appeared that the alleged crime was committed more than two years ago. If so he could not be prosecuted. He proposed to prepare a motion for amendment to the statute like that. The Court had no right to hold Surratt to bail. The District Attorney did not wish to argue the case. He said that he was not a lawyer and that it was of practical importance, he wanted to say— Judge Wylie interrupted he gentleman, by remarking that he had had another, and said that he was not a lawyer. He said that he was a gentleman, and said anything more. The District Attorney then entered an appeal from the decision of the Court.